

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x Civil Action No.: CV-05-509 (ARR) (SMG)
UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
- against- §
§
KNEJAUNA L. PETERSON, §
§
Defendant. §
-----x

DEFAULT JUDGMENT

Because Knejauna L. Peterson failed to appear to defend this action after having been served with process, it is ordered that a default be entered.

It is adjudged that the United States of America recover from Knejauna L. Peterson:

Claim No. C-92804W

Principal Balance: \$2,592.60

Total Interest Accrued at 9.000%: \$2,835.75

Filing and Service of Process: ~~\$180.00~~ 0

Subtotal: ~~\$5,608.35~~ \$5,428.³⁵ /m

Attorney's Fees: \$

Total Owed: \$

Post-judgment interest shall be calculated, pursuant to 28 U.S.C. §1961.

Signed: Brooklyn, New York

August 9, 2005

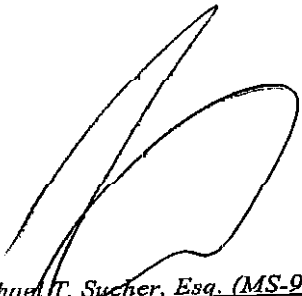
~~Allyne R. Ross~~ Robert C. HEINEMANN
United States District Judge CLERK OF COURT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing Motion for Default Judgment and supporting papers have been sent by certified mail, return receipt requested, and regular mail on April 7, 2005 to:

Knejauna L. Peterson
Defendant In Person
109-38 174th Street
Jamaica, NY 11433

Affirmed: Brooklyn, New York
April 7, 2005



s/ Michael T. Sucher, Esq. (MS-9414)
MICHAEL T. SUCHER, ESQ.
Private Counsel for Plaintiff
United States of America
26 Court Street Suite 2412
Brooklyn, New York 11242
Tel. (718) 522-1995
Fax. (718) 797-3174

*Received.
4/6/05

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, §
§
Plaintiff, §
- against- §
KNEJAUNA L. PETERSON, §
§
Defendant. §
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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
APR 10 2005

MOTION FOR DEFAULT AND FINAL JUDGMENT
AND FOR APPROVAL OF LEGAL FEES

P.M. _____
TIME A.M. _____

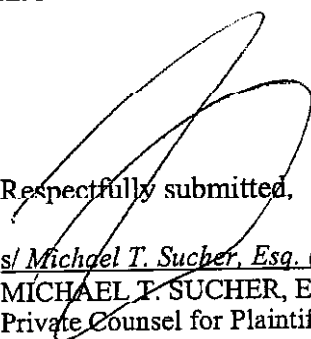
The Honorable Allyne R. Ross:

United States of America ("USA") moves for final judgment against Knejauna L. Peterson ("Peterson") because Peterson has not answered, although duly summoned in the manner and for the length of time prescribed by law, and would further show that service was made on Peterson, and to USA's knowledge Peterson was not at the time of service in the military or naval service of the United States of America.

USA respectfully requests a final judgment in the amount set forth in the attached proposed judgment.

Dated: Brooklyn, New York
April 6, 2005

Respectfully submitted,


s/ Michael T. Sucher, Esq. (MS-9414)
MICHAEL T. SUCHER, ESQ.
Private Counsel for Plaintiff
United States of America
26 Court Street Suite 2412
Brooklyn, New York 11242
Tel. (718) 522-1995
Fax. (718) 797-3174

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
- against-	§	
	§	
KNEJAUNA L. PETERSON,	§	
	§	
Defendant.	§	
-----x		

AFFIRMATION OF AMOUNT DUE

MICHAEL T. SUCHER, ESQ., an attorney duly licensed to practice in the Courts of the State of New York and in this honorable Court, affirms the following to be true under penalties of perjury:

1. I am the attorney for the United States of America in the above-entitled and numbered action.
2. The records of the Clerk of this Court show that the Summons and Complaint in this cause were duly served on Knejauna L. Peterson ("Peterson") on March 10, 2005.
3. More than 20 days have passed since such service and Peterson has failed to appear, plead or otherwise defend.
4. Peterson is not an infant or incompetent person and is not in the military service within the purview of the Servicemen's Civil Relief Act of 2003, as amended.
5. Reasonable Attorney's fees are specifically authorized for collection on the promissory note sued upon.
6. The sum of \$1,121.67 is hereby requested as attorney's fees—same being 20% of the total amount due as of this date.
7. It is respectfully submitted that 20% of the amount sought for collection is a reasonable amount of attorney's fees to award, and is in line with the percentage amount awarded as reasonable Attorneys' fees by federal courts. See, e.g., Yurman Designs, Inc. v. PAJ,

Inc., 29 Fed. Appx. 46 (2nd Circuit, 2002); Wombles Charteres, Inc. v. Orix Credit Alliance, Inc., 1999 U.S. Dist. LEXIS 16859 (S.D.N.Y., 1999); Peoples Westchester Sav. Bank v. Ganc, 715 F.Supp. 610 (S.D.N.Y., 1989) (“fees amounting to 20 percent or more of the amount recovered have been held to be reasonable [by the appellate courts]”).

8. Alternatively, if this Court will look only to the lodestar method of computation of attorney's fees, it is requested that this court fix attorney's fees in the sum of not less than \$1,575 based on our office's expenditure of not less than 4.5 hours in prosecuting this action through default, at this office's normal hourly rate of \$350 per hour. Our services on a typical collection case, resulting in a default, comprise the following services: *Upon receipt of a student loan collection file we review the same; skip trace; prepare and send correspondence to defendant; make numerous attempts at communication with the defendant; draft summons and complaint; file the same with court on paper and electronically; draft request for waiver of service and cover letter; transmit the same to defendant and file with court electronically; supervise completion of service of process and file the same electronically; prepare, serve and electronically file motion for default judgment; and follow PACER for Notation of Default and Default Judgment.*
9. Accordingly, it is respectfully requested that this court exercise its discretion and award a reasonable amount of attorney's fees to Plaintiff, United States of America.
10. Costs in this action comprise this court's filing fee of \$150, sought by Plaintiff pursuant to 28 U.S.C. 2412, and Plaintiff's out-of-pocket expenses for service of the summons and complaint (\$30; bill annexed hereto).
11. The following information is provided from the USA's records for this claim:

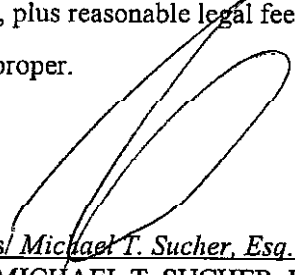
Claim No. C-92804W:

Principal Balance:	\$2,592.60
Total Interest Accrued:	\$2,835.75

Filing and Service of Process:	\$180.00
Total Owed:	<u>\$5,608.35</u>
Interest Rate:	9.000%

WHEREFORE, it is respectfully requested that this Court enter judgment against the defendant in the sum of \$5,608.35, plus applicable interest, plus reasonable legal fees, and for such other and further relief as to this Court may seem just and proper.

Affirmed: Brooklyn, New York
April 6, 2005



s/ Michael T. Sucher, Esq. (MS-9414)
MICHAEL T. SUCHER, ESQ.
Private Counsel for Plaintiff
United States of America
26 Court Street Suite 2412
Brooklyn, New York 11242
Tel. (718) 522-1995
Fax. (718) 797-3174

Federated Process Services Inc.
32 Court Street
Brooklyn, NY 11201
(718) 875-1483

Michael Sucher
26 Court St 24 fl
Bklyn, NY 11242

Service Charges

Billing Date: 04/01/05
Atty: MS - Michael Sucher

OUR NO.	INDEX	PLAINTIFF	DEFENDANT NAMES	DATE SERVED	SERVICE COSTS
113448	509/05	United States Of America	KNEJUANA L. PETERSON	03/10/05	30.00 *
113449	206/07				

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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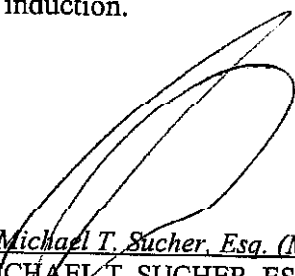
NONMILITARY AFFIDAVIT

MICHAEL T. SUCHER, ESQ., an attorney duly licensed to practice in the Courts of the State of New York and in this honorable Court, affirms the following to be true under penalties of perjury:

1. I am attorney of record for Plaintiff in the above-entitled and numbered case.
2. I investigated whether Defendant, Knejauna L. Peterson is in military service, by inquiry to the United States Department of Defense, Manpower Data Center, which organization maintains files setting forth the names of all individuals in the world who are in active military duty in all branches of the United States military service.
3. Based on my investigation and on the attached Department of Defense, Manpower Data Center report dated April 6, 2005, setting forth that no records were found for a Knejauna L. Peterson being in the United States military service as of that date, I am convinced that Defendant, Knejauna L. Peterson is not in the military service of the United States, or of the State of New York, at the present time, nor has said Defendant, Knejauna L. Peterson been ordered to report for induction under the Selective Training and Service Act of 1940, as amended. Defendant, Knejauna L. Peterson has not been ordered to report for military service as a member

of the Enlisted Reserve Corps., and he was not receiving any training or education under the supervision of the United States preliminary to induction.

Affirmed: Brooklyn, New York
April 6, 2005



s/ Michael T. Sucher, Esq. (MS-9414)
MICHAEL T. SUCHER, ESQ.
Private Counsel for Plaintiff
United States of America
26 Court Street Suite 2412
Brooklyn, New York 11242
Tel. (718) 522-1995
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Department of Defense Manpower Data Center

APR-06-2005 11:20:10



Military Status Report
Pursuant to the Servicemen's Civil Relief Act of 2003

Last Name	First	Middle	Begin Date	Active Duty Status	Service/Agency
PETERSON	KNEJAUNA				
Currently not on Active Military Duty, based on the Social Security Number and last name provided.					

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the Defendant(s), per the Information provided, as to all branches of the Military.

A handwritten signature in cursive script that reads "Robert J. Brandewie".

Robert J. Brandewie, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

If you have information that makes you feel that the DMDC response is not correct, please fax your response to 703-696-4156 or call 703-696-6762 and further research will be done. For personal privacy reasons, SSNs are not available on this printed results page. Requesters submitting a SSN only receive verification that the SSN they submitted is a match or non-match.

113448 230x 30.00
United States District Court Eastern

Attorney: Michael Sucher
County of District of New York

United States Of America

Petitioner Index # 509/05
Plaintiff(s),

-against-

AFFIDAVIT OF SERVICE

Knejuana L. Peterson

Respondent
Defendant(s).

STATE OF NEW YORK: COUNTY OF KINGS ss:

Robert Edelman

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO

THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 03/10/05 at 10:55am at 109-38 174th Street Jamaica, NY 11433
deponent served the within Summons In A Civil Action & Complaint

on KNEJUANA L. PETERSON ,
therein named.

INDIVIDUAL

A.

by delivering a true copy of each to said defendants personally: deponent knew the person so served to be the person described as said defendant therein. (S)He identified (her) himself as such.

CORPORATION/BUSINESS

B.

a (domestic)(foreign)corporation/business by delivering thereat a true copy of each to
Personally, deponent knew said corporation/business so served to be the corporation/business described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

C. XXXX

by delivering thereat a true copy(ies) of each to "John Doe" a person of suitable age and discretion. Said premises is defendants (dwelling house)(usual place of abode) within the state. (S)He identified (her)himself as co-tenant of defendant.

AFFIXING TO DOOR, ETC.

D.

by affixing a true copy(ies) of each to the door of said premises, which is defendants (actual place of business)(dwelling house)(usual place of abode) within the state. Deponent was unable, with due diligence, to find defendant, a person of suitable age and discretion or a work address thereat, having called there on

MAILING USE WITH

XXXX

Deponent also mailed a copy(ies) of same post paid by first class mail properly addressed to defendant(s) at the aforementioned address in an envelope marked "personal & confidential" and not indicating that the communication was from an attorney or concerned an action against the defendant(s) and deposited said envelope in a post office official depository under exclusive care and custody of the United States Postal Service within New York State on 03/11/05

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx)	Height (Approx)	Weight (Approx)
male	black	grey	65	5'8	150
mustache					

First and/or Last Name is fictitious. Person served refused to give true name

MILITARY SERVICE

Above person was asked whether the defendant(s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant(s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

USE IN NYC CIVIL CT.

The language required by NYCRR (e), (f) & (h) was set forth on the face of the said summons (es).

SUPREME COURT ACTION

Papers so served were properly endorsed with the index number and date of filing.

Sworn before me on 03/11/05

SARA R. BAER
Commissioner of Deeds
City of New York - No. 2-10680
Certificate Filed in Kings County
Commission Expires October 1, 2006

Robert Edelman
LICENSE NO. 0794979